

Serial No. 10/799,679
Amdt. Dated January 25, 2005
Reply to Office Action of November 1, 2004

Docket No. P-0667

REMARKS/ARGUMENTS

Claims 1-31 are pending in this application. By this Amendment, the Abstract, specification, and claims 1-7 are amended, and claims 8-31 are added. The Abstract and Specification are amended for clarification purposes only. No new matter is added. More specifically, the amendments made to the paragraph beginning on page 7, line 17 of the specification merely clarify in the specification what is already recited in original claim 6 and shown in original Figure 6 regarding the positioning of the first support rib 54 relative to the drain pan 22 and the locking hook 44. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

I. Allowable Subject Matter

The Examiner is thanked for the indication that claims 3-7 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. New claim 31 is allowable claim 3 rewritten in independent form. Thus, new claim 31 should be in condition for allowance. However, for the reasons discussed below, claims 4-7 have not been rewritten in independent form at this time.

II. Rejection of Claims 1-2

The Office Action rejects claims 1-2 under 35 U.S.C. §102(b) as anticipated by Japanese Patent Publication No. 08-256914 (hereinafter “JP ‘914”), or, in the alternative, under 35 U.S.C. §103(a) as obvious over JP ‘914. The rejection is respectfully traversed.

A. Rejection Under 35 U.S.C. §102(b)

Independent claim 1 recites, *inter alia*, a drain pan detachably disposed at a lower portion of the dispenser housing and configured to collect water therein, and a locking unit provided between the drain pan and the dispenser housing, wherein the locking unit is configured to secure the drain pan to the dispenser housing when the locking unit is engaged, and to release the drain pan from the dispenser housing when the locking unit is disengaged. JP ‘914 neither discloses nor suggests such features.

JP ‘914 discloses a soft drink dispenser including a main body 10 which houses a plurality of functional devices of the soft drink dispenser, such as a breaker 32, electronic equipment 26, pipes 22 and 24, and valves 28 and 30, and which are accessed through an opening 34 covered by a door 38. Dispensing buttons 18 are provided on a door 16 covering a front opening of an overhang section 12 to control the dispensing of soft drinks through a plurality of nozzles 14 which appear to protrude through a bottom surface of the overhang section 12. A front panel

20 covers a front lower portion of the main body 10 which is positioned to a rear of the nozzles 14.

A drain pan 46 is joined with the front panel 20 by a pair of L shaped brackets 44. A first portion 44a of the bracket 44 is secured in a vertical position behind the front panel 20, and a second portion 44b of the bracket 44 extends horizontally outward from the front panel 20 to support the drain pan 46. The drain pan 46 includes a front wall 52, side walls 54 and 56, and a notched rear wall 58. Notches 58a formed in the rear wall 58 are inserted into corresponding slots 44c formed in the brackets 44 to position the drain pan 46 on the brackets 44.

The position of the brackets 44 substantially against the side walls 54 and 56 of the drain pan 46 limits the amount of lateral (sideways, or left to right) motion of the drain pan 46 (see paragraph 12, lines 11-13 of JP '914). However, the drain pan 46 is simply laid onto the brackets 44, and insertion of the notches 58a into the slots 44c does not secure the drain pan 46 to the dispenser. Rather, JP '914 discloses that this configuration facilitates removal and replacement of the drain pan 46 when it is necessary to open the door 38 to access the various components housed within the dispenser, indicating that the drain pan 46 is freely unloadable (see paragraph 12, lines 3-6, and the Abstract of JP '914). Thus, JP '914 neither discloses nor suggests a locking unit as recited in independent claim 1, or the claimed combination.

Accordingly, it is respectfully submitted that independent claim 1 is not anticipated by JP '914, and thus the rejection of independent claim 1 under 35 U.S.C. §102(b) over JP '914 should

be withdrawn. Rejected dependent claim 2, as well as objected to claims 3-7 and newly added claims 8-18, are allowable at least for the reasons discussed above with respect to independent claim 1, from which they depend, as well as for their added features.

More specifically, with respect to dependent claim 2, JP '914 neither discloses nor suggests that a front surface of the drain pan and a front surface of the refrigerator door define a flat surface when the drain pan is installed. Rather, when the drain pan 46 is installed on the brackets 44, the front of the drain pan 46 is removed by a significant physical distance from any of the other surfaces of the dispenser, and thus does not define a flat surface with any of the other surfaces of the dispenser.

B. Rejection Under 35 U.S.C. §103(a)

As set forth above, JP '914 neither discloses nor suggests each and every one of the features recited in independent claim 1. Further, it is respectfully submitted that independent claim 1 is not obvious over JP '914.

More specifically, the Office Action asserts that disclosing a refrigerator and water as a drink is an obvious choice of one skilled in the art. However, it is respectfully submitted that it would not have been obvious to modify the drink dispenser disclosed by JP'914 to include a locking unit as recited in independent claim 1. Rather, JP '914 clearly teaches away from securing the drain pan 46 in place on the dispenser, as JP '914 specifically states that the drain

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pan is, and must be, “freely unloadable” to provide ready access to the door 38 and the components within the dispenser. Thus, there would have been no motivation, nor would it have been obvious, to modify the JP ‘914 dispenser to include a locking unit as recited in independent claim 1.

Accordingly, it is respectfully submitted that independent claim 1 is allowable over JP ‘914, and thus the rejection of independent claim 1 under 35 U.S.C. §103(a) over JP ‘914 should be withdrawn. Rejected dependent claim 2, as well as objected to claims 3-7 and newly added claims 8-18, are allowable at least for the reasons discussed above with respect to independent claim 1, from which they depend, as well as for their added features.

III. New Claims 8-31

New claims 8-31 are added to the application. It is respectfully submitted that new claims 8-31 also define over the applied prior art reference and meet the requirements of 35 U.S.C. §112.

IV. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact

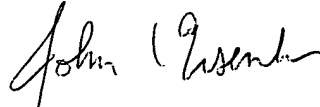
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the undersigned attorney, **John C. Eisenhart**, at the telephone number listed below. Favorable consideration and prompt allowance are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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